

MEMO ENDORSED



GEORGIA M. PESTANA
Corporation Counsel

THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007

MATTHEW W. McQUEEN
Senior Counsel
phone: (212) 356-2423
fax: (212) 356-3509
email: mmcqueen@law.nyc.gov

September 11, 2021

BY ECF

Honorable Vernon S. Broderick
United States District Judge
United States District Court
Southern District of New York
40 Foley Square
New York, New York 10007

Re: Calvin Spence v. City of New York, et. al.
20 CV 10090 (VSB)

Your Honor:

I am an Assistant Corporation Counsel in the Office of Georgia M. Pestana, Corporation Counsel of the City of New York, and I represent defendants Kevin Weber and The City of New York ("Defendants") in the above-referenced matter. Defendants write *nunc pro tunc* to respectfully request a one day extension of time to file their motion to dismiss the complaint pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure. Due to the late and unexpected nature of this request, defendants were unable to seek consent of plaintiff's counsel prior to filing this request.

Unfortunately, due to some unanticipated technical difficulties, the undersigned was unable to file defendants' motion to dismiss prior to midnight on September 10, 2021. Accordingly, the motion is now being filed during the late night hours, approximately 3 hours after midnight of the current filing deadline. The undersigned sincerely apologizes for this unexpected delay and any resulting inconvenience to the plaintiff or the Court.

Accordingly, for the reasons discussed herein, defendants respectfully request a one day extension of time to file their motion to dismiss the complaint pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure.

As Plaintiff has neither opposed this request nor proffered any allegation of prejudice stemming from Defendants' delay, the foregoing request is granted. This resolves docket entry no. 19. SO ORDERED.

Dated: September 21, 2022
/s/ Laura Taylor Swain, Chief U.S.D.J.

Defendants thank the Court for its time and consideration in this regard.

Respectfully submitted,

/s/ Matt McQueen

Matthew W. McQueen
Special Federal Litigation Division

cc: Samuel C. DePaola, Esq. (by ECF)
Attorney for Plaintiff